REGISTERED No. K. 107.

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. IX] Trivandrum, Wednesday 25th March 1964 / 5th Chaitra 1886 [No. 62

L. A. Bill No. 13 of 1964.

NOTIFICATION

No. 1089-LA. 4/64. *Dated Trivandrum 25th March* 1964.

The following Bill together with the Statement of Objects and Reasons, is published under Rule 67 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Legislature Secretariat,
Trivandrum.

D. TIRUMALAI,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1964.

L. A. Bill No. 13 of 1964

THE KERALA APPROPRIATION (No. 2) BILL, 1964

A Bill to provide for the appropriation of moneys out of the Consolidated Funt of the State of Kerala for the service of the financial year commencing on the 1sd April, 1964.

Preamble.—WHEREAS it is necessary to provide for the appropriation of moneys out of the Consolidated Fund of the State of Kerala for the service of the financial year commencing on the 1st April, 1964;

BE it enacted in the Fifteenth year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Kerala Appropriation (No. 2) Act, 1964.

2. *Appropriation out of the Consolidated Fund for the financial year commencing on the 1st April*, 1964.—The State Government may appropriate out of the Consolidated Fund of the State of Kerala, for the financial year commencing on the 1st April, 1964, a sum not exceeding two hundred and three crores, forty-two lakhs, thirty-seven thousand and eight-hundred rupees, being moneys required to meet—

(a) the grants made by the Kerala Legislative Assembly for that year, as set forth in column (3) of the Schedule; and

(b) the expenditure charged on the Consolidated Fund of the State of Kerala for that year, as set forth in column (4) of the Schedule.

THE SCHEDULE

(See Section 2)

No. of Vote	Services and Purposes	Sums not exceeding		
		Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
(1)	(2)	(3)	(4)	(5)
		Rs.	Rs.	Rs.
I.	Agricultural Income Tax and Sales Tax	39,86,000	15,000	40,01,000
II.	Land Revenue	1,17,99,200	..	1,17,99,200
III.	Excise	25,53,400	10,000	25,63,400
IV.	Taxes on Vehicles	7,74,800	..	7,74,800
V.	Stamps	11,77,200	..	11,77,200
VI.	Registration Fees	36,01,700	..	36,01,700
	Debt Charges	..	6,40,61,500	6,40,61,500
VII.	State Legislature	8,91,800	25,400	9,17,200
VIII.	Elections	32,01,900	..	32,01,900
IX.	Heads of States, Ministers and Head quarters Staff	68,77,300	11,53,400	80,30,700

X.	District Administration and Miscellaneous	89,50,500	33,000	89,83,500
XI.	Administration of Justice	97,43,000	13,33,000	1,10,76,000
XII.	Jails	47,16,900	..	47,16,900
XIII.	Police	3,94,03,900	4,000	3,94,07,900
XIV.	State Insurance and Miscellaneous	16,66,300	..	16,66,300
XV.	Scientific Departments	10,01,100	..	10,01,100
XVI.	University Education	1,73,55,700	..	1,73,55,700
XVII.	General Education	20,13,57,900	1,00,000	20,14,57,900
XVIII.	Technical Education	1,28,11,500	..	1,28,11,500
XIX.	Medical	5,20,29,300	4,000	5,20,33,300
XX.	Public Health	1,83,13,900	..	1,83,13,900
XXI.	Public Health Engineering	1,08,79,500	..	1,08,79,500
XXII.	Agriculture	2,51,45,200	..	2,51,45,200
XXIII.	Fisheries	72,66,200	..	72,66,200
XXIV.	Rural Development	53,49,700	..	53,49,700
XXV.	Animal Husbandry	72,65,400	4,000	72,69,400
XXVI.	Co-operation	60,05,800	500	60,06,300
XXVII.	Industries	1,38,19,200	..	1,38,19,200
XXVIII.	Community Development Projects, National Extension Service and Local Development Works	2,63,28,200	..	2,63,28,200
XXIX.	Labour and Employment	77,87,400	..	77,87,400
XXX.	Harijan Welfare	1,80,76,000	1,00,000	1,81,76,000

No. of Vote	Services and Purposes	Sums not exceeding		
		Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
(1)	(2)	(3)	(4)	(5)
		Rs.	Rs.	Rs.
XXXI.	Statistics and Miscellaneous	42,44,000	..	42,44,000
XXXII.	Irrigation	2,75,35,000	..	2,75,35,000
XXXIII.	Public Works	9,81,84,600	1,20,000	9,83,04,600
XXXIV.	Ports	6,34,900	..	6,34,900
XXXV.	Transport Schemes	5,16,82,200	1,000	5,16,83,200
XXXVI.	Famine	19,27,200	..	19,27,200
XXXVII.	Pensions	2,43,26,400	2,40,800	2,45,67,200
XXXVIII.	Stationery and Printing	73,94,900	..	73,94,900
XXXIX.	Forest	1,37,79,900	22,700	1,38,02,600
XL.	Miscellaneous	54,90,400	48,05,000	1,02,95,400
XLI.	Miscellaneous Contributions and Assignments	13,37,300	1,25,000	14,62,300
XLII.	National Emergency	45,900	..	45,900
XLIII.	Capital Outlay on Public Health	1,05,02,800	..	1,05,02,800
XLIV.	Capital Outlay on Agricultural Improvement	2,03,100	..	2,03,100
XLV.	Capital Outlay on Co-operatives and on Industrial Development	3,93,05,400	10,000	3,93,15,400

XLVI.	Capital Outlay on Irrigation	3,21,26,000	..	3,21,26,000
XLVII.	Capital Outlay on Public Works	6,48,16,900	1,40,000	6,49,56,900
XLVIII.	Capital Outlay on Other Works	51,15,600	..	51,15,600
XLIX.	Capital Outlay on Ports	52,94,900	..	52,94,900
L.	Capital Outlay on Transport Schemes	10,07,200	10,000	10,17,200
LI.	Capital Outlay on Forests	27,87,800	..	27,87,800
LII.	Commuted Value of Pensions	1,50,000	..	1,50,000
LIII.	Capital Outlay on Schemes of Government Trading	11,38,57,900	5,000	11,38,62,900
LIV.	Contingency Fund	..	..	..
LV.	Loans and Advances by the Government	19,88,77,500	..	19,88,77,500
	Public Debt Repayment	..	72,11,50,800	72,11,50,800
	Total	1,24,07,63,700	79,34,74,100	2,03,42,37,800

STATEMENT OF OBJECTS AND REASONS

The Bill is introduced in pursuance of Article 204 of the Constitution of India, to provide for the appropriation out of the Consolidated Fund of the State of Kerala of the moneys required to meet the expenditure charged on the Consolidated Fund and the grants made by the Legislative Assembly in respect of the estimated expenditure of the Government of Kerala for the financial year commencing on the 1st April, 1964.

R. SANKAR.

REGISTERED No. K. 107

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. IX] Trivandrum, Wednesday 25th March, 1964 / 5th Chaitra, 1886 [No. 56

GOVERNMENT OF KERALA

REVENUE DEPARTMENT

NOTIFICATION

Dated, Trivandrum, 25th March, 1964.

No. 9515/N/64/Revenue.

SRO. 72/64—In exercise of the powers conferred by section 100 of the Kerala Land Reforms Act, 1963 (Act 1 of 1964), the Government of Kerala hereby constitute a Land Board for the whole State, which shall consist of a sole member, namely, the First Member, Board of Revenue for performing the functions of the Land Board under the said Act.

This notification shall come into force with effect on and from the 1st April, 1964.

By order of the Governor,
R. GOPALASWAMY,
Secretary to Government.

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KERALA GAZETTE

EXTRAORDINARY

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Vol. IX] Trivandrum, Wednesday, 25th March 1964 / 5th Chaitra 1886 [No. 57

GOVERNMENT OF KERALA

REVENUE DEPARTMENT

NOTIFICATION

No. 11841/N/64/Rev. *Dated, Trivandrum, 25th March* 1964.

SRO. 73/64: In exercise of the powers conferred by section 99 of the Kerala Land Reforms Act, 1963 (Act 1 of 1964), the Government of Kerala hereby constitute the Land Tribunals specified in column (1) of the Schedule below, for the purpose of performing the functions of the Land Tribunal under the said Act for the areas specified against them in column (2) of the Schedule.

The Land Tribunals shall hold their headquarters at the respective places specified against them in column (3) of the Schedule.

This notification shall come into force with effect on and from the 1st April, 1964.

P. T. O.

THE SCHEDULE

Tribunal	*Area*	*Headquarters*
(1)	(2)	(3)
Shri K. Arumughom, Munsiff.	Entire district of Trivandrum	Trivandrum.
Shri Alfred Daniel, Munsiff.	Entire district of Quilon.	Quilon.
Shri Stanley P. George, Munsiff.	Entire district of Kottayam.	Kottayam.
Shri M. Raghava Menon, Munsiff.	Entire district of Alleppey.	Alleppey.
Shri A. Antony, Munsiff.	Entire district of Ernakulam.	Fort-Cochin.
Shri V. V. Gopalan, Munsiff.	Taluks of Cranganore and Mukundapuram.	Irinjalakuda.
Shri P. S. Menon, Munsiff.	Trichur Taluk.	Trichur.
Shri K. K. Sankara Canakan, Munsiff.	Talappilly Taluk.	Wadakkan-cherry.
Shri C. P. Abdulla Keyi, Munsiff.	Chowghat Taluk.	Chowghat.
Shri K. K. Krishna Pillai, Munsiff.	Taluks of Palghat, Alathur and Chittur.	Palghat.
Shri P. Kunhi Abdulla, Munsiff.	Ottappalam, Perintalmanna and Ponnani Taluks.	Ottap-palam.
Shri P. K. Lekshmanan, Munsiff.	Taluks of Tirur, Ernad, Kozhikode and South Wynaad.	Kozhikode.
Shri C. Kochunny Nair, Munsiff.	Taluks of Badagara and Quilandy.	Badagara.
Shri K. K. Prabhakaran, Munsiff.	Taluks of Cannanore, Tellicherry and North Wynaad.	Tellicherry.
Shri C. P. Ramavarman Eradi, Munsiff.	Taluks of Taliparamba, Hosdrug and Kasaragod.	Kanhangad.

By order of the Governor,

R. GOPALASWAMY,
Secretary to Government.

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KERALA GAZETTE

EXTRAORDINARY

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Vol. IX] Trivandrum, Wednesday 25th March 1964 / 5th Chaitra 1886 [No. 58.

GOVERNMENT OF KERALA

Revenue Department

NOTIFICATION

No. 7392/N/64/Rev.

Dated, Trivandrum, 25th March, 1964.

SRO.74/64. Under sub-section (2) of section 38 of the Kerala Land Reforms Act, 1963 (Act 1 of 1964), the Government of Kerala hereby authorise every Taluk Tahsildar to exercise, within his jurisdiction, the powers under the said section.

This notification shall come into force with effect on and from the 1st April, 1964.

By order of the Governor,

R. GOPALASWAMY,

Secretary to Government.

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KERALA GAZETTE

EXTRAORDINARY

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Vol. IX] Trivandrum, Wednesday, 25th March 1964 / 5th Chaitra 1886 No. 59.

GOVERNMENT OF KERALA

Revenue Department

NOTIFICATION

No. 4408/N/64/Rev.

Dated, Trivandrum, 25th March, 1964.

SRO. 75/64. In exercise of the powers conferred by sub-section (3) of section 1 of the Kerala Land Reforms Act, 1963 (Act 1 of 1964), the Government of Kerala hereby appoint the first day of April, 1964 as the date on which the provisions of sections 2 to 71 (both inclusive), 73 to 82 (both inclusive), 84, 99 to 108 (both inclusive) and 110 to 132 (both inclusive) of the said Act shall come into force.

By order of the Governor,

R. GOPALASWAMY,

Secretary to Government.

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KERALA GAZETTE

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TRIVANDRUM, 1964.

GOVERNMENT OF KERALA

REVENUE DEPARTMENT

NOTIFICATION

No. 10038/N/64/Revenue

Dated, Trivandrum, 25th March 1964.

S. R. O. No. 76/64.—In exercise of the powers conferred by section 129 of the Kerala Land Reforms Act, 1963 (Act I of 1964), the Government of Kerala hereby make the following Rules, namely:—

THE KERALA LAND REFORMS (TENANCY) RULES, 1964

CHAPTER I

GENERAL

1. *Short title and Commencement.*—(1) These rules may be called the Kerala Land Reforms (Tenancy) Rules, 1964.

(2) They shall come into force on the 1st April 1964.

2. *Definitions.*—In these rules, unless the context otherwise requires,—

(a) "Act" means the Kerala Land Reforms Act, 1963 (Act I of 1964);

(b) "application" includes an interlocutory application;

(c) "Collector" means Collector of a district;

(d) "Form" means a form appended to these rules;

(e) "Land Board" includes a bench of the Land Board constituted for performing the functions of the Board;

(f) "legal representative" means a person who, in law, represents the estate of a deceased person;

(g) "Section" means Section of the Kerala Land Reforms Act, 1963 (Act 1 of 1964);

(h) "Tahsildar" means Tahsildar holding charge of a Taluk and includes a Special Tahsildar appointed specially for the purpose of these rules;

(i) "Village Officer" includes Village Assistant.

3. *Interpretation.*— (1) The Interpretation and General Clauses Act, 1125, shall apply, as far as may be, to the interpretation of these rules, as it applies to the interpretation of an Act.

(2) The forms shall be used with such variations as the circumstances may require.

33/1185

Ascertainment of normal produce

[Section 2(16)]

4. *Matters to be taken into account.*—For ascertaining the normal produce in respect of any land, the Land Tribunal may take into consideration—

(a) the normal produce of the class of land to which it belongs;

(b) the season reports and rainfall accounts;

(c) the results of crop cutting experiments conducted by the Government;

(d) the statistics of gross produce published under Section 44;

(e) the accounts of landlords and cultivating tenants, wherever available, in respect of that land and in respect of similar lands enjoying similar advantages; and

(f) the oral or documentary evidence adduced by parties and decrees of Civil Courts.

Determination of extent of land necessary for the convenient enjoyment of residential building or house sites

[Section 2(26) and 81(1) (m)]

5. *Locality, etc., to be considered.*—The extent of land necessary for the convenient enjoyment of any residential building (or house site) shall be determined by the Land Tribunal with reference to the locality in which the residential building (or house site) is situate. In so determining, the Land Tribunal may take into consideration the habits of the person enjoying the same, his financial circumstances and profession, the use to which the site is ordinarily put and other similar factors.

CHAPTER II

Resumption

(Sections 14 to 22)

6. *Certificate by Collector.*—An application for the certificate referred to in section 14, shall be disposed of by the Collector as expeditiously as practicable and a copy of his order thereon shall, as soon as it is passed, be furnished to the Land Tribunal in whose jurisdiction the property to which the application relates, is situate.

7. *Application for resumption of land.*—The application for resumption of land by the landlord shall be in Form No. 1

and all persons who have interest in the Land to be resumed, including a Kudikidappukaran, shall be made parties to it.

8. *Enquiry by Land Tribunal into the application.*— As soon as may be, after the receipt of the application referred to in rule 7, the Land Tribunal shall issue notice thereof to the persons interested in the land directing them to appear before it on a specified date for being heard. Any objections to, or claims as regards, the value of improvements, arrears of rent or any other matter in regard to the land sought to be resumed, shall be adjudicated by the Land Tribunal, and the Land Tribunal shall pass orders settling the rights of each such person and specifying the person entitled to resumption.

9. *Land Tribunal to await order of Collector on application for certificate.*—An application under section 14 for the resumption of land for the purpose of extending a place of public religious worship shall be accompanied by the original or a certified copy of the Collector's certificate. If the certificate has been applied for but not received, the fact shall be stated in the application, and the Land Tribunal shall, after satisfying itself that such an application has been made to the Collector in time, await the order of the Collector on such application before disposing of the application for resumption.

10. *Contents of order.*—Besides the particulars mentioned in sub-section (2) of section 22, the order passed by the Land Tribunal shall specify the survey numbers, and sub-division numbers, if any, (or an adequate description) of the land allowed to be resumed, the extent of land that will be left after resumption, and the value of the improvements belonging to the cultivating tenant and the other persons, if any, interested in the land allowed to be resumed. The order shall also specify the amounts to be paid by the landlord resuming the land, and the persons to whom the payments are to be made, and shall further direct that the amounts be deposited with the Land Tribunal within a period of *thirty days* from the date of the order. On such deposit being made, the Land Tribunal shall pay the amounts to the parties and obtain receipt therefor.

Restoration of land resumed by landlord

(Sections 23 to 25)

11. *Contents of applications.*— The application under sub-section (1) of section 23, for restoration of possession of land shall be in Form No. 2.

12. *Determination of fair rent and other amounts payable by the cultivating tenant in respect of holding to be restored.* —A cultivating tenant applying for restoration may simultaneously file an application for determination of fair rent in respect of the land, if no such fair rent has been already determined, and where any such application has been made the Land Tribunal shall, when allowing restoration, pass an order, determining the fair rent payable by the cultivating tenant after the land is restored to him. The order of restoration shall also specify the amounts to be paid by the cultivating tenant under sub-section (2) of section 25.

Recovery of arrears of rent

(Section 26)

13. *Application for recovery of arrears of rent.* —The application for recovery of arrears of rent shall be in Form No. 3.

Preparation of record of rights

(Section 29)

14. (1) *Form of application.* — Application for preparation of record of rights (hereinafter in this rule and rules 15 to 17 referred to as the record) shall be in Form No. 4.

(2) Where an application for preparation of a record is filed, the Land Tribunal may hold such enquiry as may be deemed necessary to *prima facie* satisfy itself that the application is *bona fide*.

15. *Form of record.* — The record shall be in Form No. 5.

16. (1) *Revenue Divisional Officer to give public notice of application.* — As soon as may be after receipt of the direction from the Land Tribunal to prepare the record, the Revenue Divisional Officer shall publish a public notice in Form No. 6 specifying the time and date of the enquiry into the application and inviting claims and objections, if any, in regard to the application.

(2) The notice shall be published,—

(a) on the notice boards of the Revenue Divisional Officer and of the Land Tribunal in which the application for the preparation of the record of right is made;

(b) on the notice boards of the Village Office of the Village and of the Office of the Panchayat in which the land is situate; and

(c) on the property, by affixture in some prominent part of it.

(3) Notice shall also be issued individually to the applicant, to the landowner, intermediaries and all other persons interested in the holding so far as known. The notice shall be in Form No. 7.

(4) The expenses of publication and service of the notices shall be collected in advance from the applicant.

17. (1) *Preparation of record*.— The Revenue Divisional Officer shall hold an enquiry into the application at the time and the date specified in the public notice referred to in rule 16 and hear the persons appearing before him.

(2) If, in the course of the enquiry, any party to the proceedings applies to the Revenue Divisional Officer for a survey of the land, the Revenue Divisional Officer shall, if he is satisfied that a survey of the land is necessary for the purpose of preparation of the record, arrange for such survey expeditiously. The cost of the survey, as determined by the Revenue Divisional Officer, shall be collected from the party who applied for such survey.

(3) After the enquiry aforesaid, the Revenue Divisional Officer shall prepare a draft record in Form No. 5.

(4) The draft record shall be published in the same manner as the public notice under sub-rule (2) of rule 16 together with a notice inviting objections, if any, within a period of 30 days from the date of publication.

(5) As soon as may be after the date specified in the notice under sub-rule (4), the Revenue Divisional Officer shall enquire into the objections, if any, received, make such amendments as may be considered necessary to the entries in the draft record and pass orders declaring the record to be final.

(6) The Revenue Divisional Officer, while preparing the record, shall pass an order recording his reasons and findings in respect of the entries in the record.

(7) A true copy of the record and of the order under sub-rule (6) shall be furnished to the applicant, to the Land Tribunal, and to the Tahsildar of the Taluk, who shall carry out changes, if any, in the revenue records.

Determination of fair rent

(Section 31)

18. *Application for determination of fair rent*.—The application for determination of fair rent shall be in Form No. 8.

19. *Form of notice under section* 31(2) .— The notice under sub-section (2) of section 31 shall be in Form No. 9.

Remission of rent

(Section 38)

20. *Application for remission of rent* .— The application by the tenant for remission of rent shall be in Form No. 10.

21. *Time for submission of application* .— (1) For the purposes of remission of rent, the Collector may, if necessary, notify, with reference to the seasons and the conditions prevailing in his district, the date or dates by which applications shall be presented in respect of various crops.

(2) The application shall be made by the tenant to the Collector or any other officer authorised by the Government under sub-section (2) of section 38 sufficiently in time so as to facilitate the inspection of the damage to, or the failure of, the crops. The tenant shall also, at the same time, furnish a copy of the application to the landlord to whom he is liable to pay the rent.

22. *Enquiry into the application.*—As soon as may be after the receipt of the application, the Collector or the authorised officer shall cause the affected land to be inspected. The officer inspecting the land shall, as far as may be, give previous notice of the inspection to the parties concerned and submit a full and detailed report to the Collector or the authorised officer, as the case may be, without expressing any opinion on the merits of the application. On receipt of such report, the Collector or the authorised officer shall issue notice to the parties concerned to appear before him in person or by an authorised agent on a specified date to put forth objections or claims, if any. The Collector or the authorised officer shall, after giving the parties an opportunity of being heard and considering the objections and claims, pass orders on the application, allowing the application partly or wholly, or rejecting it. The enquiry under this rule shall be of a summary nature.

Abatement or reduction of rent

(Section 39)

23. *Form of application* .— The application for abatement or reduction of rent shall be made in Form No. 10 with suitable changes.

24. *Procedure for disposal of application.*— The procedure specified in rule 22 shall, as far as may be, be followed in the disposal of the application.

Publication of prices of commodities

(Section 43)

25. *Publication of lists of prices.*— The Collector shall publish, in the months of January, April, July and October every year, in the District Gazette and in Districts where no District Gazette is published, in the State Gazette, the average market prices prevailing in the taluk headquarters during the three months immediately preceding the date of publication, of all the commodities specified in section 43 and also of any other commodity notified by the Government under the said section.

Statistics of gross produce

(Section 44)

26. *Publication of statistics of gross produce.*—On the first of April every year, or as soon as may be thereafter, the Bureau of Economics & Statistics shall publish in the Gazette and at the taluk headquarters, statistics showing the gross produce per acre of the following crops in respect of each taluk, or district, as the case may be:—

(a) arecanut
(b) cashewnut
(c) cocoanut
(d) paddy
(e) pepper
(f) pulses
(g) sugarcane
(h) groundnut

Tenant's right to obtain receipt for rent

(Section 45)

27. *Particulars to be specified in the receipt.*—The receipt granted by the landlord for payment of rent by the tenant shall specify—

(a) the taluk and village in which the holding is situate and its survey number and sub-division number, if any, or a description of the holding adequate for its identification;

(b) the name of the person from whom received and on whose behalf received;

(c) the date of payment;

(d) the amount paid; and

(e) the period to which the amount paid relates.

Note :—A reference to the date and registration number of the document under which the holding is held and also the name of the sub-registration district in which the said holding is situate, shall be deemed to be a sufficient description of the holding for the purposes of this rule.

Application to Land Tribunal when landlord refuses to accept tender of rent

(Section 46)

28. *Form of application.*— The application to the Land Tribunal when the landlord refuses to accept tender of rent shall be made in Form No. 11.

Apportionment of rent on severance of interest of landlord or tenant

(Section 48)

29. *Form of application.*— The application for apportionment of rent shall be in Form No. 12.

Acquisition of interest in the holding of the tenant

(Section 49)

30. *Application to Land Tribunal for apportionment of rent.*— The application for apportionment of rent or arrears of rent under sub-section (3) of section 49 shall be made in Form No. 12 with suitable changes.

31. *Procedure for disposal of application.*— The procedure for the disposal of the application referred to in rule 30 shall, as far as may be, be the same as that laid down in sub-section (3) of section 48.

Surrender of holding by tenant

(Section 51)

32. *Filing of statement before the Land Tribunal.*— (1) A tenant intending to surrender his interest in the holding under section 51 shall file a written statement before the Land Tribunal specifying the following particulars :—

(a) description of the holding ;

(i) district, taluk and village in which situate;

(ii) survey number and sub-division number, if any, or a description of the holding adequate for its identification;

(iii) boundaries;

(iv) extent;

(v) class of land (nilam, garden, dry land, etc.).

(b) names and addresses of the parties and the nature of their interests in the holding;

(c) names of other persons having interest in the land and the nature of their interest;

(d) particulars of the document, if any, evidencing the contract;

(e) the extent in respect of which the surrender is proposed and the nature of the interest to be surrendered;

(f) amount of the rent payable in respect of the holding;

(g) how apportionment of the rent and the security for rent, if any, is desired after the proposed surrender.

(2) The statement referred to in sub-rule (1) shall be signed by the tenant and attested by two respectable witnesses.

33. *Procedure for registration.*—On receipt of an application under section 51, the Land Tribunal shall issue notice to the applicant and the landlord for appearance before it on a specified day. If the surrender is admitted by the tenant, and if it appears to the Land Tribunal that the application is made in good faith, the Land Tribunal shall hold an enquiry with reference to the second proviso to section 51 of the Act. If the Land Tribunal is satisfied that the surrender can be allowed, the surrender shall be registered in the register in Form No. 13. True extract from the register shall be delivered to the tenant and the landlord and shall also be communicated to the Taluk Tahsildar, who shall take action for carrying out changes, if any, in the revenue records.

Purchase of landlord's rights by cultivating tenant

(Section 54)

34. *Application for purchase.*—Application for purchase of the landlord's rights by the cultivating tenant shall be in Form No. 14.

35. *Statement to be filed by cultivating tenant agreeing to resumption by the small holder.*—The statement of the cultivating tenant agreeing to exercise the right of resumption by the small holder, referred to in sub-section (2) of section 54, shall be signed by the tenant and attested by two respectable witnesses, and shall specify the portion of the holding which the tenant may desire to retain after resumption.

Procedure before the Land Tribunal regarding application for purchase

(Section 57)

36. *Form of notice.*—The notice referred to in sub-section (1) of section 57 to the landowner, intermediaries and other interested persons, shall be in Form No. 15.

37. *Order allowing application for purchase.*—The order allowing an application for purchase shall be accompanied by a statement specifying—

(a) the description of the land and its extent, names of the landowner and intermediaries, and names of other interested persons;

(b) the value of structures, wells and embankments of a permanent nature and of timber trees, if any, and the persons to whom they belong;

(c) details of the person, if any, at whose instance the property has been attached by a Civil Court and the amount payable under the decree or order;

(d) the relative priority of the holders of encumbrance, maintenance or alimony, the amounts payable in respect of each of them and the persons to whom the amounts are payable.

Issue of certificate of purchase

[Section 59 (2)]

38. *Form of certificate.*—The certificate of purchase referred to in sub-section (2) of section 59 shall be in Form No. 16 and shall bear the seal of the office of the Land Board.

39. *Copy of certificate to be furnished to the Taluk Tahsildar.*—A true copy of the certificate of purchase shall be furnished by the Land Board to the Taluk Tahsildar who shall take action for carrying out the necessary changes in the revenue records.

Deposit of instalments of purchase price

[Section 59(4)]

40. *Manner of deposit.*— A second or any subsequent instalment of the purchase price shall be deposited on or before the due date in the Government Treasury in a chalan in triplicate countersigned by the Land Tribunal under the appropriate head which will be specified by the Land Board. One copy of the chalan shall be furnished by the purchaser to the Land Tribunal which shall maintain such accounts as may be directed by the Land Board.

Payment of purchase price, amount of encumbrance etc.

(Section 63)

41. *Notice to land owner, intermediary and holders of encumbrance etc.*—(1) The Land Tribunal shall issue a notice to the land owner, every intermediary and every holder of encumbrance, maintenance or alimony, calling upon them to prefer in writing claims for the purchase price or part thereof within a specified date. Copy of the notice shall also be published on the notice board of the Land Tribunal, on the notice board of the village office in which the land is situate and on the property by affixing the same on a prominent part of it stating *inter alia*, that any objections or claims that may be perferred in the matter by any interested person shall be duly considered by the Land Tribunal.

(2) The land Tribunal shall, on receipt of the objections or claims, if any, consider the same and decide the claims after giving a reasonable opportunity to the parties to produce such evidence as may be necessary.

Direction regarding deposit of purchase price

42. *Deposit of purchase price or value of encumbrance due to private trusts, persons suffering from legal disability, etc*.—(1) The purchase price or the value of encumbrance due to a private trust or endowment or a minor or a person suffering from any legal disability, or a limited owner, shall be deposited either in Savings Security Schemes or in the State Bank. In making the deposit, the wishes of the person entitled to the amount or of his legal guardian shall be

ascertained and respected as far as possible. The benefit of the person entitled to the amount shall be the paramount consideration in making the deposit.

(2) Where the amount is due to a minor, the period of the deposit shall, as far as possible, be such as will end on his attaining majority.

(3) Where a limited owner has an interest in the amount to be deposited, the deposit may be for the probable duration of such interest.

Procedure for vesting of rights of religious, charitable or educational institutions in Government and determination of annuity

(Section 66)

43. *Form of application for vesting the rights in the Government.*—(1) The application by a religious, charitable or educational institution of a public nature for the vesting of its right, title and interest in the Government shall be in Form No. 17.

(2) The application shall be in respect of all lands held by tenants under the institution.

(3) On receipt of the application, the Government, after entering it in a register in Form No. 18 to be maintained for the purpose, shall direct the Land Tribunals concerned to conduct enquiry in respect of the lands situate in their jurisdictions and determine the annuity payable thereof:

Provided that the Government may, if they so choose, direct one or more Land Tribunals specially appointed for the purpose, to conduct the enquiry and determine the annuity payable in respect of all the lands covered by the application.

44. *Enquiry by Land Tribunal.*—(1) As soon as may be, after the receipt of the direction from the Government, the Land Tribunal shall publish or cause to be published a public notice in Form No. 19 in the Villages in which the lands are situate calling upon—

(a) the intermediaries, where the institution is the landowner, and the landowner and other intermediaries where the institution is an intermediary; and

(b) all other persons interested, so far as is known, to appear before the Tribunal on the date specified in the

notice and to prefer claims and objections, if any. The notice shall be published in the Office of the Land Tribunal and also in the taluk offices concerned.

(2) The Land Tribunal shall also issue a notice individually to each of the persons referred to in sub-rule (1) calling upon them to appear before it on the date specified in the notice and to prefer objections or claims, if any.

(3) It shall be open to any person interested in the land to apply to the Land Tribunal even where a notice under sub-rule (2) has not been served on him and to prefer his claims or objections.

(4) On the date specified in the notice or on any subsequent date to which the enquiry may be postponed, the Land Tribunal shall hear the objections and claims, if any, and satisfy itself that the institution is interested in every one of the lands covered by the enquiry, either as landowner or intermediary and that the application has been made in respect of all lands held by tenants under the institution and situate within the jurisdiction of the Land Tribunal.

(5) The Land Tribunal shall thereafter determine the annuity due to the institution in respect of each land and draw up a draft statement of annuity in Form No. 20 in respect of the lands. Where there is any encumbrance created by the institution, the Land Tribunal shall determine the amount of such encumbrance, and specify the person to whom the amount is due. Where there are more than one encumbrance, the Land Tribunal shall specify also the priority according to which the amount is to be paid. The priority shall be determined in accordance with the priority of the dates of creation of the encumbrance.

45. *Objections to be invited on the draft statement of annuity.*—(1) As soon as may be, after the preparation of the draft annuity statement, the Land Tribunal shall publish copy thereof together with a notice inviting objections in writing, if any, within a specified date in the Gazette and on the notice board of the office of the Land Tribunal and on the notice boards of the taluk and village offices. Copy of the draft statement, together with the notice, shall also be communicated to the institution and to all other persons interested in the holding.

(2) The land Tribunal shall consider any objection which may be preferred under sub-rule (1) and after giving the parties a reasonable opportunity of being heard, pass such orders as it thinks fit and record the reasons therefor.

(3) When such objection, if any, in regard thereto has been finally disposed of, the Land Tribunal shall make such alteration in the draft statement as may be necessary to give effect to any order made in regard to the objection. Thereafter, the land Tribunal shall pass an order determining the annuity.

(4) The final annuity statement shall be submitted by the Land Tribunal to the Land Board along with a copy of the order passed by him under sub-rule (2) and the Land Board shall forward the same to the Government.

46. *Notification vesting the right, title and interest of the institution in the Government.*—On receipt of the final statement of annuity prepared by the Land Tribunal, the Government shall issue the notification under sub-section (5) of section 66 in the Gazette in Form No. 21 and shall cause a copy thereof to be served on the institution and on the tenants mentioned in the notification.

(2) The publication of the notification in the Gazette shall be deemed to be sufficient notice of the vesting of the right, title and interest of the institution in the Government, to all persons interested in the lands mentioned in the notification.

payment of annuity

(Section 67)

47. *Annuity payment order.*—(1) Within one month after the issue of the notification referred to in rule 46, the holders of encumbrances, if any, in respect of the lands mentioned in the notification, shall prefer, in writing, to the Government in the Revenue Department, their claims for the amounts they are entitled to. On receipt of the claims, the Government shall, by order, sanction the payments to be made to the persons concerned towards satisfaction of the encumbrances, in accordance with the provisions of section 67. Thereafter, the Government shall issue an Annuity Payment Order in favour of the institution in Form No. 22.

(2) The annuity shall be payable for every financial year.

(3) The Annuity Payment Order shall specify the amount of the annuity and the date on which it is payable where it is payable in lump, and where it is payable in instalments, the dates on which the instalments are payable and also the Government Treasury at which the annuity is payable.

(4) The Annuity Payment Order shall be prepared in duplicate and forwarded to the Accountant General for authorising payment at the Treasury, under intimation to the institution concerned. On receipt of the authorisation from the Accountant General, the Treasury Officer shall forward the institution's copy of the Annuity Payment Order to the institution.

(5) The annuity shall be disbursed to the person entitled to receive the annuity on behalf of the institution by the Treasury Officer on presentation of the institution's copy of the Annuity Payment Order together with a claim in such form as may be prescribed by the Land Board.

(6) The Treasury Officer shall maintain a register of annuities in such form as may be prescribed by the Land Board in consultation with the Accountant General.

(7) The Land Board shall prepare and submit to the Government every year estimates of the annuities payable to the various institutions for inclusion in the Budget under such head and on such date as the Government, in the Finance Department, may prescribe.

Rent payable by Government when the intermediaries' rights vest in them.

[Sections 66 (5) and 69]

48. *Rent payable by Government.*—(1) Where the right, title and interest of a religious, charitable or educational institution of a public nature having interest as an intermediary in respect of a holding, are vested in the Government, and the Government become a tenant holding under the landlord of the intermediary aforesaid, the Government shall be bound to pay such landlord, the rent to which he would have been entitled, had the right, title and interest of the intermediary not vested in the Government.

(2) The rent shall be payable on the same date on which it would be payable and the arrears of rent shall bear the same rate of interest which the arrears would have carried, had the right, title and interest of the intermediary not vested in the Government.

(3) The Land Board shall issue to every person who is entitled to payment of rent by the Government an order in such form as may be prescribed by the Land Board specifying the amount of rent due to him, the date on which the rent is due, and the rate of interest the arrears of rent will bear. The order shall also contain a clear description of the land in respect of which the rent is payable.

(4) The rent shall be disbursed to the person entitled to it, by the Treasury Officer of the nearest Treasury on presentation of a claim. The form of the claim shall be prescribed by the Land Board.

(5) Copy of the order shall be furnished to the Accountant General for authorising payment of the same at the Treasury through which the rent is to be paid.

(6) The rent shall be disbursed to the person to whom it is due by the Treasury Officer on presentation of the person's copy of the order together with a claim in such form as may be prescribed by the Land Board countersigned by the Tahsildar of the taluk in which the holding is situate. Before countersigning the claim, the Tahsildar shall satisfy himself that the liability of the Government to pay the rent continues.

(7) The Treasury Officer shall maintain a register of such payments in such form as may be prescribed by the Land Board in consultation with the Accountant General.

(8) The Land Board shall prepare and submit to the Government every year estimates of the rents payable by the Government to the various landlords for inclusion in the Budget under such head and on such date as the Government, in the Finance Department, may prescribe.

Persons continuing as tenants under Government
(Section 71)

49. *Register of persons holding as tenants under Government.*—(1) The Land Board shall cause—

(i) the preparation of a register of persons continuing as tenants under the Government in a form to be prescribed by the Land Board;

(ii) the cancellation of the pattas in respect of the lands held by such tenants; and the issue of fresh documents to the tenants specifying—

(a) the land revenue asssessment, taxes and cesses, if any, payable in respect of the land and the dates on which they are payable;

(b) the rent payable to the Government and the date on which it shall be payable, and the rate of interest on arrears of rent.

(2) The Land Board or any other authority duly authorised in that behalf by the Land Board, may call for from any person or institution such statement or information necessary for the purposes of this rule and rule 50 and every person or institution required to furnish such statement or information shall be bound to furnish the same.

50. *Rent to whom to be paid*.— (1) The rent due in respect of the land shall be paid to the village officer of the village in which the land is situate and every village officer shall maintain a register for the purpose in such form as may be prescribed by the Land Board.

(2) The Land Board shall prepare and submit to the Government every year estimates of receipts by way of rents payable by persons continuing as tenants under the Government, for inclusion in the Budget under such head and on such date as the Government, in the Finance Department, may prescribe.

Acquisition of alternative sites for shifting kudikidappukars

[Section 75(3)]

51. *Form of application*.— (1) The application to the Government by a holder of land for acquisition of land for shifting a kudikidappukaran shall be in Form No. 23.

(2) Upon receipt of such an application, the officer authorised by Government in this behalf shall make such enquiry as he may deem fit, and if he is satisfied that the provisions of sub-section (3) of section 75 have been complied with, he shall take steps for the acquisition and transfer of possession of the land to the kudikidappukaran and require him to shift to the said land.

Register of kudikidappukars

(Section 80)

52. *Form of Register*.— (1) The register of kudikidappukars shall be in Form No. 24.

(2) Besides the particulars specified in sub-section (2) of section 80, the register shall contain the following particulars, namely:—

(i) the date from which the kudikidappukaran and the members of his family, if any, have been occupying the kudikidappu;

(ii) the dimensions of the homestead or hut;

(iii) cost of the homestead or hut at the time of construction;

(iv) present value of the homestead or hut;

(v) person to whom the homestead or hut belongs;

(vi) rent, if any, payable for the hut and the date from which it is being paid;

(vii) whether the homestead or hut has been repaired, improved or reconstructed by the kudikidappukaran, and if so, (a) when and at what cost; and

(b) the dimension of the hut or homestead, repaired, improved or reconstructed;

(viii) easements attached to the kudikidappu.

53. *Preparation and maintenance of the register*.— (1) The register shall be prepared in duplicate by an officer not below the rank of a Tahsildar and shall be maintained in the taluk and village offices. The Tahsildar shall, wherever necessary, amend the entries in the register maintained in the taluk office and communicate such amendments to the Village Officer for carrying them out in the copy of the register in the village.

(2) The entries in the register shall be admissible in evidence before any court or tribunal.

54. *Form of notice inviting applications, and form of application for registration*.— (1) The notice to be published under sub-section (4) of section 80 inviting applications from kudikidappukars for registration shall be in Form No. 25 and application from kudikidappukars for registration shall be in Form No. 26. The notice shall be published in the village by beat of tom tom and by affixture of a copy thereof on the notice board of the village office.

(2) On receipt of an application for registration, the prescribed officer shall give notice thereof to the landowner, intermediaries and the other persons interested in the land in which the kudikidappu is situate, inviting claims and objections and requiring them to enter appearance at the

time and date specified in the notice, for enquiry into the application. Copy of the notice shall also be published on the notice boards of the taluk and village offices.

(3) Any interested person who has not received the notice referred to in sub-rule (2), may also appear before the prescribed officer and put forth his claims and objections at the enquiry.

55. *Grounds for rejection to be stated in an order rejecting the application.*—If on enquiry, the prescribed officer finds that the kudikidappukaran is not entitled to registration, he shall state the grounds thereof in the order rejecting the application.

CHAPTER III

LAND BOARD AND LAND TRIBUNAL

Terms of appointment and organisation and functioning of offices

56. (1) *Members other than Chairman to hold office for two years at a time.*— Members of the Land Board, other than the Chairman, shall ordinarily hold office for two years at a time from the date of assumption of the office and the Government may, in their discretion, reappoint the same persons for further terms.

(2) *Termination of appointment of Members.*—The Government may, in their discretion and without assigning reasons, terminate the appointment of the members, other than the Chairman even before the expiry of their terms of office.

(3) *Filling of vacancies.*—Any vacancy arising in the post of the Land Tribunal or of the Chairman and members of the Land Board, shall be duly filled by the Government.

57. *Headquarters of Land Tribunal and Land Board.*— The headquarters of the Land Board shall be the headquarters of the Government or such other place as may be fixed by the Government. The headquarters of the Land Tribunal shall be such place as may be fixed by the Government, but it may hold sittings at any other place within its jurisdiction under the general or the special orders of the Land Board.

58. *Power to call for particulars.*— The Land Board and the Land Tribunal shall be competent to call for any particulars from any party for purposes of implementing the

provisions of the Act and the party, when so called upon, shall be bound to furnish the same.

59. *Particulars of plantation to be furnished to the Land Board.*— Any person claiming exemption from the provisions of Chapter III of the Act on the ground that any land owned or held by him is a plantation, shall, within one month from the date on which the said provisions come into force, or such longer period as the Land Board may grant in deserving cases, furnish to the Land Board a statement showing the following particulars, namely :—

(i) description of land (with details of survey number, if surveyed, taluk and village) used by the person principally for the cultivation of the crops referred to in section 2(44);

(ii) boundaries of the land;

(iii) extent of the land;

(iv) description of the crop or crops raised and extent of land on which such crops are raised;

(v) description and extent of land (with details of survey number, if surveyed, taluk and village) used by the person for any purpose ancillary to the cultivation of the crops referred to in section 2(44) or for the preparation of the same for the market;

(vi) purpose for which the land referred to in item (v) is used;

(vii) description and extent of land (with details of survey number, if surveyed, taluk and village) contiguous to, or in the vicinity of, or within the boundaries of, the area cultivated with the crops referred to in section 2(44) and reserved by the person and fit for the expansion of such cultivation; and

(viii) description and extent of agricultural lands (with details of survey numbers, if surveyed, taluk and village) interspersed within the boundaries of the area cultivated by the person with the crops referred to in section 2(44) and the extent of such lands which the person considers necessary for the protection and efficient management of such cultivation.

60. *Powers of the Land Tribunal.*— (1) For the purpose of implementing the provisions of the Act or these rules, the Land Tribunal shall have power to issue commissions, grant injunctions, appoint receivers and make such other interlocutory orders as may appear to the Tribunal to be just and necessary to meet the ends of justice.

(2) The Land Tribunal shall have power to allow amendments of petitions or applications made before it, in accordance with the procedure laid down therefor in the Code of Civil Procedure, 1908.

61. *Appearance through recognised agent.*— A recognised agent may examine and cross-examine witnesses, argue and do such other acts as are necessary for the proper conduct of the case on behalf of the party appointing him.

Appeals and revision

(Sections 102 and 103)

62. *Time for appeal.*—(1) Any appeal from the orders of the Land Tribunal shall be filed within sixty days from the date of the order appealed against.

(2) Any petition to the High Court against any final order passed in an appeal against the orders of the Land Tribunal or any final order passed by the Land Board shall be preferred within ninety days of the date of the order against which the petition is to be preferred.

(3) In computing the time prescribed under sub-rule (1) or sub-rule (2), the time required for obtaining an attested copy of the order shall be excluded.

Staff of Land Board and Land Tribunal

63. (1) *Land Board to have a Secretary.*— The Land Board shall have a Secretary not lower in rank than that of a Deputy Collector and such other staff as the Government may sanction from time to time. Every Land Tribunal shall also have such staff as may be sanctioned by the Government.

(2) *Appointing authority.*— The appointing authority of the Secretary to the Land Board shall be the Government. The appointing authority for other posts under the Land Board and the staff under the Land Tribunal, shall be the Land Board.

(3) *Staff to be regular Government Servants.*— Members of the staff of the Land Board and the Land Tribunal shall be regular Government servants, and may be appointed from the Revenue or Judicial or other departments of the Government as may be determined by the Government. Persons so appointed shall be treated as temporary additions to the respective cadres.

(4) *Head Ministerial Officers of Land Board and Land Tribunal.*— A member of the Land Board's staff so appointed by the Chairman, shall function as the Head Ministerial Officer of the Board, and a member of the Land Tribunal's staff, so appointed by the Tribunal, shall function as its Head Ministerial Officer.

(5) *Chairman of Land Board to be Head of Department.*— The Chairman of the Land Board shall have the powers of the Head of a Department.

64. *Working days and office hours.*—The working days and office hours of the Land Board and the Land Tribunals shall be the same as those of the offices of the Government.

65. *Constitution of Benches.*—The Chairman of the Land Board shall constitute, as and when necessary, Benches for exercising the functions of the Board and give timely intimation thereof to the members of the Bench.

66. *Sittings to be open.*—The sittings of every Land Tribunal and Land Board shall be held openly.

67. *Cause list.*— The Bench Clerk shall prepare before the commencement of the sitting of the Land Board or the Land Tribunal, as the case may be, a list in Form No. 27 of the cases coming up before it on the day. The list shall be prepared strictly in accordance with the priority of institution of the applications.

68. *Roll call of cases.*— The Bench Clerk shall make the cause list available to the Land Board or the Land Tribunal, as the case may be. The cases posted for the day shall be called out in their order as soon as the sitting commences.

69. *Diary.*— For every case there shall be a sheet diary in Form No. 28. The diary shall contain concise but faithful entries relating to every proceeding and stage in the application, beginning with its institution and ending with its final disposal. The gist of the application and the orders thereon shall be entered in the diary. It shall be written up by the Bench Clerk promptly and systematically in blue black ink, and shall be initialled on the dates of the posting by a member of the Land Board or by the Land Tribunal, as the case may be.

70. *Diary register.*—The entries in the sheet diary shall be copied from day-to-day in the diary register. Separate pages must be allotted in the register for each case. The Head Ministerial Officer shall verify the entries and initial below the entries on the dates on which they are made.

71. *Order sheet*.— There shall be an order sheet for every case in the hand of the Land Tribunal or Chairman of the Land Board, as the case may be, hearing the proceeding. Entries shall be made in the order sheet on each day of the posting of the case, noting the date, purpose of the posting, the work transacted on the day, and the date and purpose of the succeeding posting, if any.

72. *Seal of office and notice board*.—For the Land Board and for every Land Tribunal there shall be a seal of office and a notice board.

73. *Stamps*.— If any application which requires court fee stamp is unstamped or insufficiently stamped, the Head Ministerial Officer shall direct the person presenting it to cure the defect within a specified time, not exceeding one week. If the defect is not cured within the time fixed, the Head Ministerial Officer shall produce the application before the Chairman of the Land Board or the Land Tribunal, as the case may be, who shall pass thereon such order as is deemed fit.

74. *Impounding of instruments*.— The Head Ministerial Officer shall examine every instrument produced before him so as to ascertain whether it is duly stamped. If a document is not properly stamped, the Land Tribunal or any member of the Land Board hearing the case, shall impound the same.

75. *Permanent advance*.—Every Land Tribunal and the Land Board shall have such permanent advance as may be allowed by the Government.

76. *Collection of postage etc*.—Amounts necessary for postage, commission batta, mileage, witness batta, etc., payable by parties, shall be collected in advance by the Head Ministerial Officer and kept under safe custody to be utilised by him for the requisite purposes. He shall not keep with him, besides the permanent advance, any amount exceeding Rs. 250 at a time, and shall from time to time deposit into the Government treasury any amount in excess thereof under a separate head of account.

77. *Accounts*.—The Head Ministerial Officer shall keep the accounts of the Office to which he is attached. There shall be a cash book in which entries relating to all cash transactions shall be entered in the course of business of the

office, and the balance of the cash shall be struck therein at the end of the day. A ledger also shall be kept allotting separate pages for each case.

78. *Security deposit*.—The Head Ministerial Officer shall deposit with the Government such security and in such manner as the Government may, by order, specify.

79. *Audit*.—The Government shall arrange for the periodical audit of the accounts and of the movables held by the Land Tribunal and the Land Board.

80. *Fair copies of orders*.— Final orders passed by the Land Tribunal and the Land Board on applications heard by them shall be fair copied, duly compared with the original, and then signed by the person or persons who passed them. The originals of such orders shall be permanently preserved.

81. *Register of final orders*.—There shall be a register of final orders in every Land Tribunal and the Land Board. The final orders passed by the Tribunal and the Land Board shall be promptly copied in the register date-war and the Head Ministerial Officer shall initial below the entry, after verification. At the end of the register an index of its contents shall be entered.

82. *Return of documents*.—Any document produced for evidence in any case shall be returned to the party producing the same, on his application made within one year of the final disposal of the case. If no application is made within the above period, the party shall not be entitled to claim the document back.

Explanation:—A case shall be deemed to be finally disposed of only after the appeal and revision, if any, is finally decided.

83. *Arrangement of records after disposal of cases*.—Soon after the final decision of a case, the records relating to it shall be completed, arranged and indexed and consigned to the records.

Records

84. *Records to be kept safely*.—In every Land Tribunal and the Land Board, there shall be provision for keeping the records safely and intact. The records shall be arranged year-wise and in the order of their numbers. Indices of the records shall be prepared for reference.

85. *Records to be permanently preserved*.—Originals of the final orders, and the documents specified below shall be permanently preserved:—

(1) Register of applications
(2) Diary Register
(3) Cash Book
(4) Ledger
(5) Register of final orders

86. *Records to be preserved for specific periods*.—The records specified hereunder shall be destroyed in such manner as may be directed by the Government or the Land Board after the expiry of the period specified against them. A list of the records to be destroyed shall be published on the notice board of the Land Board or the Land Tribunal, as the case may be, at least a fortnight before the date fixed for destruction. Before destruction, the documents proposed to be destroyed shall be correctly entered in a register to be kept for the purpose.

Name of record	*Period*
1. Applications for copies 2. Applications for adjournment etc. 3. Documents not admitted in evidence 4. Miscellaneous papers	One year after the final disposal of the case
5. Pleadings 6. Documents admitted in evidence 7. Depositions of witnesses 8. Reports of Commissions	Two years after the final disposal.
9. Copyist's Register 10. Register of applications for return of documents 11. Stationery accounts 12. Postage accounts 13. Register of properties attached 14. Register of Commissions issued 15. Other registers	Five years
16. Chalan and counterfoil receipts, T. A. Bills and registers 17. Contingent register 18. Contingent Bills and applications	Six years
19. Register of Court fees	Ten years
20. Acquittance Roll for pay 21. Security Register	Forty years

87. *Registers of Land Tribunal*.—Every Land Tribunal shall maintain the following registers—

1. Register of applications in Form No. 29
2. Register of Court Fees in Form No. 30
3. Register of instruments impounded in Form No. 31
4. Register of refund of Court fees etc., in Form No. 32
5. Register of applications for return of documents in Form No. 33
6. Register of copy applications in Form No. 34
7. Posting Book in Form No. 35
8. Diary Register in Form No. 28
9. Cash Book in Form 7A of the Kerala Treasury Code Vol. II
10. Ledger in Form No. 36
11. Compensation Ledger in Form No. 37
12. Stock Register of stationery in Form No. 38
13. Stock account of furniture and other office stores in Kerala Financial Code Form No. 18
14. Register of Commissions issued in Form No. 39
15. Personal Register
16. Register of papers despatched in Form No. 40
17. Stock register of service postage stamps in Form No. 41
18. Register of destruction of records in Form No. 42
19. Acquittance Roll in Form TR 95 of Kerala Treasury Code
20. Register of permanent advance in Form TR 96
21. Register of contingent charges in Kerala Financial Code Form No. 10
22. Such other registers in such forms as the Land Board may decide.

88. *Registers of Land Board*.—The Land Board shall maintain the registers prescribed for the Land Tribunal and also the following registers:—

(1) Register of applications for determination of compensation in Form No. 43.

(2) Such other additional registers as the Land Board may deem necessary to maintain.

89. *Maintenance of registers*.—The Head Ministerial Officer shall be responsible for the proper maintenance of the registers. They shall be periodically inspected by the Land Tribunal or the Secretary of the Land Board, as the case may be.

Inspection of documents

90. *Parties to be allowed to inspect documents*.— (1) Any party shall be at liberty to inspect any document recited or referred to in any proceeding and filed in the Land Tribunal or the Land Board therewith.

(2) *Inspection to be free during pendency of proceeding*.— Every party desiring to inspect any document filed in the Land Tribunal or in the Land Board shall present a memorandum specifying the document of which inspection is required, and inspection shall be allowed, without the payment of any fee, during the pendency of the proceeding.

91. *Fee payable in other cases*.— If leave to inspect is granted, the inspection of the record shall be made in the presence of any officer specified by the Land Tribunal or the Land Board. The fee for inspection except where inspection without payment is permitted under sub-rule (2) of Rule 90 shall be 75 nP. for every hour or part of an hour, during which the specified officer shall be engaged, and shall be paid by way of court fee stamps affixed to the application. The fee so levied shall not be refunded on any account.

92. *Search of records and search fee*.— On every application for search of documents, search fee at the following rates shall be paid in court fee stamps—

(a) When the document belongs to any year prior to the calendar year in which the search is made but is not more than 10 years old Re. 0·50.

(b) When the document is more than ten years old— Re. 1·00:

Provided that no such fee need be paid by a party to the proceeding where the application for search is made in a proceeding which is pending disposal on the date of application:

Provided further that no such fee need be paid by a party to the proceeding in the case of an application for a copy of an order passed thereon within one year prior to the date of the application.

Explanation:— For the purpose of this rule, only one search fee need be paid for all documents forming part of the record in the same proceeding and the document shall be deemed to be of the date of the proceeding of which it forms part.

Certified copies

93. *Parties to apply for copy.*— (1) Any person entitled to obtain a copy of any proceeding or document filed in, or in the custody of, the Land Tribunal or the Land Board, may present an application for the same.

(2) *Copy of confidential papers not to be given.*— Copies of minutes or notes of the Chairman or other members of the Land Board or of the Land Tribunal, or other confidential papers shall not be granted.

(3) *Parties to supply copy stamp papers.*—Along with every application for copy, copying stamp papers necessary for preparing the copy shall be supplied. The number of papers to be supplied shall be calculated at the rate of one copy stamp paper of the value of twenty naye paise for every 175 words in English or 125 words in Malayalam, Tamil or Kannada, or the fractions of 175 or 125 words, as the case may be.

Note :—Each statement, account, report, petition, order or the like should be treated as a separate document and should be written on separate copying stamp paper.

(4) *Copies to be certified and sealed.*—Copies shall be transcribed only on the front page of every stamp paper. All copies shall be certified to be true copies by the Head Ministerial Officer and shall also be sealed with the seal of the Land Tribunal or the Land Board, as the case may be.

(5) *Particulars to be endorsed on copies.*—Every copy shall bear an endorsement showing the following particulars and be initialled by the persons preparing the copy:—

(a) the year and number of the proceeding;
(b) the name of the Land Board or the Land Tribunal;
(c) the name of the applicant;
(d) the number and date of application;
(e) the date of calling for additional stamp papers, if any;
(f) the date of production of the same;
(g) the date for appearance to receive the copy; and
(h) the date of delivery of copy.

Chapter IV

RATES OF COURT FEES

(Section 116)

94. *Levy of fees.*—No document under the Act or under these rules shall be filed, exhibited or recorded in, or be acted on by, any Land Tribunal or the Land Board or any other authority, unless it is duly stamped with the requisite court fee at the rates specified in the statement appended to rule 98.

95. *Collection of fees by stamps.*—All fees chargeable under the Act or under these rules shall be collected by way of court fee stamps.

96. *Stamps to be impressed or adhesive.*— The stamps used to denote any fee chargeable under the Act or under these rules, may be impressed or adhesive, or partly impressed and partly adhesive.

97. *Cancellation of stamp.*—No document requiring a stamp under these rules shall be acted upon in any proceedings unless the stamp has been cancelled.

98. *Fees.*—For the documents mentioned in column (2) of the statement appended, fixed fee at the rates mentioned against each, in column (3) thereof shall be payable.

APPENDIX

Sl. No.	*Nature of the document*	*Rate of fee* Rs.
(1)	(2)	(3)
1	Section 22(1) : Application by landlord for resumption of land	1.00
2	Section 23(1) : Application of tenant for restoration of possession of land previously resumed	2.00
3	Section 26(2) : Application for recovery of arrears of rent	1.00
4	Section 29 : Application for preparation of record of rights	2.00
5	Section 31(1) : Application by cultivating tenant or landlord for determination of fair rent	1.00

Sl. No.	*Nature of the document*	*Rate of fee*
		Rs.
(1)	(2)	(3)
6	Section 33 : Statement regarding agreed rent	1.00
7	Section 38(2) : Application by the tenant for remission of rent	1.00
8	Section 39(1) : Application by cultivating tenant for abatement or reduction of rent	1.00
9	Section 46(1) : Application by tenant on landlord's refusal of acceptance of tender of rent	1.00
10	Section 48(1) : Application by landlord or tenant for apportionment of rent and security for rent	1.00
11	Section 49(3) : Application by person acquiring interest in part of the holding	1.00
12	Section 51 : Statement by tenant regarding surrender of interest in the holding	1.00
13	Section 52(6) : Application in case of dispute regarding rights over timber trees	1.00
14	Section 54(1) : Application by cultivating tenant for purchase of the landlord's rights in holding	2.00
15	Section 66(1) : Application by public religious, charitable or educational institutions for vesting of their rights in Government	5.00
16	Section 75(3) : Application to Government for acquisition of alternative site for shifting Kudikidappu	2.00
17	Section 80(4) : Application for registration of Kudikidappukars	0.50
18	Section 101(2)(d) : Application for transfer or retransfer of application or other proceeding from one Tribunal to another	2.00
19	Section 106(2) : Application for restoration of possession of lands delivered	2.00

Sl. No. (1)	Nature of the document (2)	Rate of fee Rs. (3)
20	Application for issue of copies	0.25
21	Applications, if any, for purposes other than those specified above:—	
	(i) to Government	2.00
	(ii) to Land Board	2.00
	(iii) to Land Tribunal	0.75
	(iv) to Collector	1.00
	(v) to Tahsildar	0.50

CHAPTER V

Rules of Procedure

99. *Proceedings in general.*—In all proceedings before the Land Tribunal and the Land Board, the procedure prescribed as regards applications in the Code of Civil Procedure or the rules made thereunder shall, as far as can be made applicable, be followed except to the extent otherwise provided in the Act or in these rules:

Provided that the Land Tribunal may dispose of summarily applications for determination of fair rent.

100. *Stamp duty payable on power of attorney under section* 115(2).—The stamp duty payable on a power of attorney referred to in sub-section (2) of section 115 shall be the same as that specified in article 43(b) of the Schedule to the Kerala Stamp Act, 1959 (Act 17 of 1959), namely, two rupees and twenty-five nP.

101. *Language in proceedings before Land Tribunal and Land Board.*—The language in proceedings before the Land Tribunal and the Land Board shall be English or Malayalam or where Malayalam is not the regional language of a particular area, the regional language of such area.

102. *Extension of time.*—Where any period is fixed or granted by the Land Tribunal or the Land Board for the doing of any act prescribed or allowed by these rules, it may, in its discretion, from time to time, extend such period even though the period originally fixed or granted may have expired.